

EXHIBIT 3

Declaration of
Marc J. Randazza

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,

Plaintiff,

v.

BRIAN ZAIGER,

Defendant.

CIVIL ACTION NO.
1:17-cv-10356-PBS

**DECLARATION OF
MARC J. RANDAZZA**

I, MARC J. RANDAZZA, declare:

1. I am an attorney licensed in the State of Florida, as well as the States of Nevada, California, Arizona, and Massachusetts.

2. I earned a B.A. in journalism at the University of Massachusetts at Amherst, but focused my studies on media law. I have a J.D. from Georgetown University Law Center. I also hold a Master's Degree in Mass Communications from the University of Florida, where I also focused on media and First Amendment law studies. Finally, I have an L.L.M. from the University of Turin, Italy.

3. I am the founder and managing partner of Randazza Legal Group, PLLC ("RLG").

4. The primary focus of my practice consists of intellectual property and First Amendment law, and I have been practicing law for approximately 16 years.

5. I am an attorney of record for Defendant / Plaintiff-in-Counterclaim Brian Zaiger.

6. As managing partner of RLG, I oversee the billing entries for the firm on this case, utilizing the billing software Bill4Time.

7. Due to my legal expertise and reputation, I have appeared on and written articles for numerous national news sources, including (but not limited to) National Public Radio, The New York Times, CNN, Fox News, NBC, and Vegas Inc., and I am a regular columnist for CNN.

8. My current standard rate is \$700 per hour, however when this case commenced it was \$675 per hour.

9. Jay Wolman, an attorney licensed to practice in New York, Massachusetts, Connecticut, and the District of Columbia, who also received his J.D. from Georgetown University Law Center, and who has been practicing law for 16 years, works as Counsel in the firm. Mr. Wolman customarily bills at a partner-level rate of \$525 per hour.

10. My associate Alex Shepard is an attorney licensed in California and Nevada. Mr. Shepard is a graduate of the University of Tennessee at Chattanooga and received his J.D. from Washington University School of Law in 2013. Mr. Shepard's current standard hourly billing rate is \$350 per hour.

11. My associate LaTeigra Cahill is an attorney licensed in Nevada and New Mexico. Ms. Cahill completed her undergraduate studies at San Francisco State University, and received her J.D. from the University of California, Hastings College of Law. Ms. Cahill has been practicing law for five years, and her standard hourly billing rate is currently \$350 per hour.

12. Support staff typically bills at a rate of \$50 to \$75 per hour. Paralegals bill at a rate of \$175 per hour.

13. These rates are based on national market rates, as RLG's practice is nationwide. Furthermore, we do not charge for most customary costs like long-distance phone calls, faxes, and the like, as we build most "costs" into our hourly rates rather than nickel-and-dime our clients for small costs and charges.

14. Pursuant to the Legal Services fee agreement entered into by and between RLG and Mr. Zaiger, Mr. Zaiger agreed to compensate RLG at the following rates: Marc J. Randazza: \$675/hr, Jay M. Wolman: \$525/hr, LaTeigra C. Cahill: \$350/hr, law clerks and paralegals: \$175/hr, and attorneys performing paralegal tasks: \$200/hr.

15. In multiplying the respective rate by the hours expended defending against Plaintiff's claims in this matter, the total attorney's fees incurred were \$84,592.50.

16. Attached as Exhibit 5 to Mr. Zaiger's Motion for Attorney's Fees and Costs are the billing entries for Mr. Zaiger's case in spreadsheet format and accompanied by the invoices rendered by RLG, as redacted to protect attorney-client privilege and to only put forth the relevant time entries.

17. The time entry by Attorney Wolman dated January 4, 2018, for purposes of this motion, is calculated as .1 hours, reduced from .3 hours, to reflect only that time relevant to the defense of the copyright claim.

18. Upon information and belief, in a scrivener's error, an entry by Attorney Wolman dated October 26, 2017, misidentifies Attorney Richard Goren as "Attorney Zaiger".

19. To maximize cost efficiency, I had others take primary responsibility for investigation, research, and drafting memoranda for this action, while I provided litigation strategy and wrote the final drafts of the motions and pleadings.

20. RLG made every effort to avoid duplication of work and otherwise minimize the fees and costs incurred by Mr. Zaiger.

21. The total amount of time spent on the defending against Plaintiff's claims and preparing this Motion for Attorney's Fees and Expenses for Mr. Zaiger to-date has equaled 189.9 billable hours and a total of \$84,592.50.

22. Mr. Zaiger incurred expenses related to defending against Plaintiff's claims in this case totaling \$803.24, as detailed in Exhibit 5 to the Motion.

23. Exhibit 1 to Mr. Zaiger's Motion for Attorney's Fees and Expenses is a true and correct copy of an email dated October 18, 2017 from attorney Jay M. Wolman to counsel for Plaintiff.

24. Exhibit 2 to Mr. Zaiger's Motion for Attorney's Fees and Expenses is a true and correct copy of the transcript of the scheduling conference held in this matter on July 18, 2017.

25. Exhibit 4 to Mr. Zaiger's Motion for Attorney's Fees and Expenses is a true and correct copy of the Laffey Matrix, as accessed at the URL <<http://www.laffeymatrix.com/see.html>> on March 8, 2018.

26. Exhibit 5 to Mr. Zaiger's Motion for Attorney's Fees and Expenses are true and correct copies of (1) a spreadsheet detailing fees expended defending against Plaintiff's claims in this matter, (2) a summary sheet breaking down fees by user, (3) an spreadsheet detailing expenses incurred in relation to defending against Plaintiff's claims in this matter, and (4) invoices rendered to Mr. Zaiger in relation to this matter, which have been redacted to remove entries and information not relevant to this Motion.

27. Exhibit 6 to Mr. Zaiger's Motion for Attorney's Fees and Expenses is a true and correct copy of a case coversheet from filed by Plaintiff in the matter of *Monsarrat v. Filcman, et al.*, Case No. MICV2013-0399-C (Middlesex Cty. Sup. Ct., Mass.), as produced by Plaintiff in discovery.

28. Exhibit 7 to Mr. Zaiger's Motion for Attorney's Fees and Expenses is a true and correct copy of a letter from Plaintiff's former counsel to "EncyclopediaDramatica.se" dated January 9, 2013.

29. The information contained in this declaration and in the Motion for Attorney's Fees and Expenses filed herewith are truthful to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 12, 2018.

/s/ Marc J. Randazza

Marc J. Randazza